

California Architects

a publication of the california architects board public protection through examination, licensure and regulation

Educational Summit Draws Interest and Praise

One of the goals of the CAB is to increase its communication with the educational community. To further that objective, the Board sponsored an Educational Summit on October 15, 1999 in La Jolla, where more than 60 people gathered to address the current state of California's architectural education programs. In addition to the Board, attendees included educators from several



Summit participants engage in afternoon workshop

University of California schools, the California State University system, private colleges, and community colleges. Also in attendance were several architects, including members of AIA, AIA president Michael Stanton, and NCARB president Joe Giattina.

According to Barry Wasserman, former state architect and one of the

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ARE Results

Approximately 2,600 California candidates were eligible for the Architect Registration Examination (ARE) during the first half of 1999. Overall results for examinations taken by California candidates between January 1, 1999 and June 30, 1999 are listed below:

DIVISION	NUMBER OF CANDIDATES	TOTAL PASSED	TOTAL FAILED
Building Planning	261	165 (63%)	96 (37%)
Building Technology	240	161 (67%)	79 (33%)
Construction Documents & Services	218	163 (75%)	55 (25%)
General Structures	203	134 (66%)	69 (34%)
Lateral Forces	181	147 (81%)	34 (19%)
Materials & Methods	258	198 (77%)	60 (23%)
Mechanical & Electrical Systems	203	150 (74%)	53 (26%)
Pre-Design	285	167 (59%)	118 (41%)
Site Planning	211	137 (65%)	74 (35%)

A NEW MILLENNIUM

A New Name for the Board

As of January 1, 2000, the *California Architects Board* is now the official name of the former California Board of Architectural Examiners. The change was enacted through language contained in Assembly Bill 1678, Chapter 982, Statutes of 1999. The new name was selected to better reflect the broader role of the Board in protecting the health, safety, and welfare of the public. All activities and functions of the Board will remain the same; the change is in the name only.

Along with the name change, electronic addresses have also been changed. The Board's website can now be found at www.cab.ca.gov. The new e-mail address is cab@dca.ca.gov. All phone numbers and the mailing address remain the same.

CAB Elects New Board Officers for 2000

At its December 3, 1999 meeting, CAB elected its officers for 2000.



MARC SANDSTROM, a public member of the Board since 1996, was reelected president. Sandstrom served as president in 1999 and as vice president in 1998. He currently is chair of the Executive Committee and the Communications Committee. Prior to his retirement as an attorney, Sandstrom, who resides in Sacramento, was active in real estate law, construction, and development. He has served as Assistant Secretary of Business and Transportation Agency of the State of California, chairman of the California Law Revision Commission,

chairman of the San Diego Transit Corporation, and chairman of the Pacific Legal Foundation.



GORDON CARRIER, AIA, an architect member of the Board since 1995, was elected vice president. Carrier is president of Carrier Johnson, an architectural firm headquartered in downtown San Diego, with offices in Irvine. He is a member of the Young Presidents' Organization, San Diego Chapter Lambda Alpha International, and the Greater San Diego Chamber of Commerce. Carrier served on the San Diego Mayoral Design Advisory Council and was a recent board member of the City of San Diego's Redevelopment Agency. He

served as the Board's secretary in 1998, as a member of the Task Force on Post-Licensure Competency in 1999, and as a member of the Professional Qualifications Committee since 1997. He also served as an examination item writer for the NCARB national exam. He has been a feature speaker for the Tri-National Reunion in Hermosillo, Mexico, regarding the North American Free Trade Agreement (NAFTA) and its effects on architects in Canada, Mexico, and the United States. Carrier was also a juror for the State of Nevada American Institute of Architects Design Awards 1994.



KIRK MILLER, FAIA, an architect member of the Board since 1997, was elected secretary. Miller is a principal of Kirk Miller Associates, in San Francisco. He is past chair of the American Institute of Architects National Ethics Council and past secretary and director of the American Institute of Architects, California Council. He also served as commissioner of the San Francisco Housing Authority, founder and president of the Russian Hill Neighbors, president of the Northern California Canadian American Chamber of Commerce, vice president of San Francisco

Planning and Urban Research Association (SPUR), and chair of SPUR's Housing Committee. He is currently chair of the Board's Task Force on Post-Licensure Competency and is a member of the Professional Qualifications Committee, Executive Committee, and the California Supplemental Examination Committee.

Educational Summit *continued*

event organizers, "We felt we had gathered a good deal of information that educators and professionals would find very interesting. We wanted to share that information, but also to hear back from the educational community. The Board's hope was that this summit would be a solid step toward creating a lasting, open dialog that will further the profession as a whole."

The morning session was devoted to sharing information that included:

- CAB Comprehensive Survey of the Profession conducted in 1997
- Trends in Practice Data from the 1997 Survey
- CAB Focus Group Reports
- CAB Task Force on Post-Licensure Competency Research
- The National Internship Survey and Recommended Changes
- Internship activities of AIA, NCARB, and CAB

During the morning session, a panel of educators also provided a report on the trends in architectural education in California schools and their interrelationships with practitioners and regulators. The afternoon session was interactive, with a participatory workshop addressing various questions. The focus of discussion included 1) the growing role of community colleges, 2) the need for incorporating more intern/practice hours into the educational process, 3) whether an accredited degree should be required for licensure, and 4) education's role in continuing education.

The day scored high marks with most participants. David Meckel of the California College of Arts and Crafts observed, "The missions of the various groups — educators, regulators, and

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Reminders to California Architects

- Business and Professions Code section 5536.22 of the Architects Practice Act requires architects to use written contracts when contracting to provide architectural service in California. The written contract must be executed prior to the architect's commencing work, unless the client authorizes the architect in writing to start work earlier. The law also specifies minimum required services to be provided, amount and method of payment, information on the architect and client, and procedures for additional services and termination of the contract. There are exemptions for certain types of work arrangements. For more information, contact the Board office at (916) 445-3394.
- If you are a California licensed architect and fail to renew your license within five years after the expiration, your license will lapse and thereafter cannot be renewed, restored, or reissued. To practice legally in California, a person whose license has lapsed must meet all the requirements for obtaining an original license. As a minimum, the applicant will be required to take and pass the California Supplemental Examination. An architect must stamp all plans, specifications, and other instruments of service submitted to a government body. As part of the stamp's requirements, the license renewal date (expiration date) must also be included. Make sure your license is current.
- The Board cannot process your application for initial license or renewal unless you provide your social security number. If your social security number is not disclosed, this will be reported to the Franchise Tax Board, which may assess a \$100 penalty.
- The California Code of Regulations (CCR) requires that address changes be reported immediately to the California Architects Board. Reporting these changes will ensure that you receive necessary information on renewals and other matters important to your licensure. Failure to notify the Board is a violation of CCR, Title 16, section 104. Address change forms are available on the Board's website at www.cab.ca.gov, or you may contact the Board at (916) 445-3394 to request a form.
- Please help us keep our mailing lists current. It is especially distressing to a spouse or family member to receive a license renewal for a licensee who is recently deceased. We regret when this happens, but we cannot track death notices. Registrants can help by notifying the Board when a colleague passes away, since family members often are unaware of the need to notify the Board.
- The Board's Enforcement Unit receives a number of complaints regarding firms suspected of advertising and practicing architecture without a license. When investigating these complaints, the Board finds that some of these firms are joint ventures with architects who have failed to submit an agreement of association to the Board as required by CCR section 135. The agreement must be entered into prior to offering architectural design services, and it is the architect's responsibility to submit the agreement to the Board prior to engaging in the design phase of a project. The law requires specific information be included in the agreement, and it must be submitted in a timely manner. Failure to do so could result in disciplinary action. A copy of the form to file an agreement of association is available at the Board office or on its website. Use of the form is not required. The agreement can be submitted in any written form as long as it contains the required information.

It's Your Future – Don't Leave It Blank

Census 2000 is on its way! Every 10 years the United States Census Bureau conducts a complete accounting of all U.S. residents. Decision-makers in government and business use the information gathered when developing policies and providing funding for education, health care, transportation, urban and rural communities, and more. Therefore, it is important that everyone participates.

Easy-to-complete questionnaires will be mailed to households two weeks prior to the next Census Day (the date used to determine census counts), which is April 1, 2000. If you need help completing the census form, Questionnaire Assistance Centers are available throughout California.

Employers should encourage all employees (full-time, part-time and day laborers alike) to participate in the upcoming census. The accuracy of the census depends on full participation, so every voice must speak up to be heard.

Besides being easy, participation is also safe. By law, information provided in response to the census is absolutely confidential. Individual information will not be forwarded to any other government agency or private organization.

For additional information about Census 2000, please visit the U.S. Census Bureau's website at www.census.gov or call the Regional Census Center in Los Angeles at (818) 904-6522.



Stamping Plans— Responsible Control

In 1996, the Architects Practice Act was amended to modify the requirements for

immediate supervision over the preparation of technical submissions. The requirement that an architect exercise “immediate and responsible direction” over the preparation of plans and specifications was replaced with the requirement of “responsible control.” The concept of “immediate and responsible direction” was adopted when the architect looking over the shoulder of his draftsman at the drawing board was the standard of professional practice.

However, this concept was becoming unduly restrictive, given the increased use of electronic technology and prototype plans. “Responsible control” is defined as the amount of control over the content of technical submissions during their preparation as is ordinarily exercised by licensed architects applying the required professional standard of care. This definition of responsible care allows architects the flexibility to use today’s new technology, while still requiring them to exercise control and discretion over submissions that bear their signatures and stamps.

Under Business and Profession Code section 5582.1, architects who sign plans not prepared under their responsible control are subject to disciplinary action by the Board:

5582.1 Signing Other’s Plans or Instruments; Permitting Misuse of Name

- (a) The fact that the holder of a license has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her or under his or her responsible control, constitutes a ground for disciplinary action.
- (b) The fact that the holder of a license has permitted his or her name to be used for the purpose of assisting any person to evade the provisions of this chapter constitutes a ground for disciplinary action.

Responsible Control is defined in Business and Professions Code section 5535.1:

5535.1 Responsible Control Defined

The phrase “responsible control” means that amount of control over the content of technical submissions during their preparation that is ordinarily exercised by architects applying the required professional standard of care.

The Board has recently been asked if an architect can sign plans prepared by an unlicensed person. Whether or not the unlicensed person is an employer, employee, partner, or associate, the architect can sign the plans only if the plans were prepared under his or her responsible control.

If you have any questions, please contact the California Architects Board office at (916) 445-0548.

We Asked...

In the last issue, we asked you to tell us what you think about a number of issues. We were delighted to hear from several California architects on the issues facing the profession, as well as some comments on this newsletter. In this section, we’ll cover a few of your responses.

We’d also like to solicit your opinions on a **new** question:

Do you feel the current education system is adequately preparing new architects for practice?

We encourage your participation in this forum for discussion and debate. Each issue we will feature a question related to the newsletter topic or a current practice issue. Please send your responses to us either by mail to California Architects Board, 400 ‘R’ Street, Suite 4000, Sacramento, CA 95814-6238 or by e-mail to cab@dca.ca.gov. A sampling of responses will be presented in upcoming newsletter issues.

Regarding California adopting the NCARB model of internship:

“I strongly believe that California should adopt the NCARB model of IDP. I am an intern and am voluntarily complying with the IDP standards because I know that it will give me a well-rounded internship.”

“No, I do not support the NCARB model of IDP. I believe it would create a financial hardship on small firms. Most firms are small.”

Regarding mandatory continuing education (MCE):

“Continuing education is beneficial to the individual, his colleagues, the profession at large, but, most importantly, the clients and the general public.... However, much organizational effort must still be invested in the creation of a viable and fair educational program....”

“I strongly believe it is NOT necessary and would create a terrible burden on an already over-regulated profession.”

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We Asked *continued*

"Studies have been undertaken over the years to discover linkages between mandated continuing education and competence. Most have been made within the context of other professions and all have found there is no substantive link.... Mandating continuing education as a condition of [AIA] membership represents a decision driven by intuition (and no small amount of ignorance, self-righteousness, and professional insecurity) against the best available objective information.... It is one thing for a private institution to make uninformed decisions which affect its membership. To have public bodies accept baseless NCARB requirements as their own is reprehensible."

"I clock many more hours than are required to maintain my AIA membership, and I believe most other architects do too. However, we were fine for a hundred years without it. I think it should be a personal matter, not one for NCARB or CBAA (or AIA) requirement."

"It benefits the profession and the public indirectly, in that it raises the level of competency generally.... Please, however, simplify the burden of reporting...."

Regarding voluntary continuing education (VCE):

"I do support voluntary education, but NOT a structured program. People have different needs, skills, weaknesses, and interests within the profession."

"This is a good way to promote architects to keep up to date."

Regarding licensing reciprocity with other countries:

"...okay as long as we don't water down our standards to allow foreign architects to practice here."

"Someday I would like to work overseas.... I believe reciprocity would make that much easier."

"...as long as each country is investigated for its competence, knowledge and education to be equivalent with the U.S."

"I do not agree with reciprocity...the traditions, materials, technology is different from country to country."

"I have much experience in foreign countries. Not all of them are our equal in terms of ethics."

Regarding electronic permitting:

"I don't like it.... Our primary fear with "e-documents" is the possibility that they might be altered. I had a well-meaning building official tell me that he indeed would do this and that it would be most helpful because he would be "correcting" mistakes I'd made."

"I support electronic plan checking and permitting if proper safeguards are in place."

"Most all jurisdictions I have discussed this with nationwide believe this is a great and time-saving development. Only lack of funds keeps many of these building departments from implementing such programs."

The fall 1999 issue of the newsletter featured a recap of the NCARB annual meeting and several NCARB-related issues. After pointing out the number of times NCARB was mentioned in the newsletter, we were asked:

"When did CBAA become the puppet of NCARB?"

Internet Permitting Goes Live in Silicon Valley

For skeptics who have been waiting for the Internet to revolutionize the way business is done, the recent debut of Silicon Valley's Smart Permit program was a welcome advance. With Internet-enabled processes and systems, Smart Permit offers a new approach to community development, permit tracking, drawing submittals, and geographic information systems (GIS). Unveiled at a special event on October 27, 1999, the program is sponsored by Joint Venture: Silicon Valley Network (JV:SVN), a collaboration among seven municipalities, corporate sponsors, and architectural and construction industry representatives. Smart Permit allows architects to submit their materials, track progress, communicate with reviewers, pay permit fees, and receive approvals online.

In the last newsletter we reported on the digital signature initiative that would allow design professionals to "digitally sign" documents and send them securely over the Internet. This and the Smart Permit initiative are part of the bigger picture that may eventually do away with all but the final drafts of paper documents and allow most municipal business to be accomplished remotely.

Sunnyvale, Mountain View, and San Carlos are the first cities with active online e-commerce, permitting, and inspection scheduling. In the coming months, the cities of Palo Alto, Santa Clara, Milpitas, and Fremont will follow, with San Jose also moving toward an Internet-based system. Sharing information and experience with one another is expected to help ease each city's conversion to the Web-based infrastructure necessary for the system to work.

According to Bob Kraiss, Director of Corporate Facilities and Real Estate at Adaptec Corporation and cochair of Joint Venture's Smart Permit project, "We've made great strides in moving planning and permitting processes onto the Internet. After a pre-meeting to acquaint everyone with one another and the project, it is conceivable that architects won't have to go into the city unless they want to. All iterations of plans can be handled online, until the final set is printed for the job copy."

Interest in the Smart Permit program is keen with cities across the country. Similar programs are beginning in Los Angeles, Monterey, and Solano County—with more expected to follow close behind.

To find out more about the Smart Permit program and other exciting technology developments on the horizon, visit the JV:SVN website at www.jointventure.org.

Architects Practice Act Amended

Assembly Bill 1678, authored by the Assembly Committee on Consumer Protection,

Governmental Efficiency and Economic Development, made the following technical changes to the Architects Practice Act that went into effect January 1, 2000:

Deletes the requirement that architects must **stamp** contracts. Architects must still sign the contract and must still affix a stamp to plans, specifications, and instruments of service.

Provides that architects shall not be responsible for damage caused by unauthorized subsequent changes to architectural documents they prepare if those changes are not authorized **in writing**.

Specifies that it shall be grounds for disciplinary action if the stamp of the architect is affixed to a document **not** prepared by the architect or under the architect's control.

Copies of the 2000 Architects Practice Act will be mailed to all licensees, and the Act is available on the Board's website at www.cab.ca.gov.



Workshop groups made presentations to body

Summit *continued*

practitioners — are so different that I'm not sure they will ever reach consensus, nor should they. But they should continue to have this type of open, healthy discussion. More of this type of program is

important to break down the myths and barriers between the groups."

After the summit, participants were asked to complete a survey covering the issues of internships, continuing education, future summits, and communication with CAB. Results of the survey show strong consensus on the topic of requiring some



Marc Sandstrom thanks attendees

form of internship, though no strong agreement to follow the NCARB model. Results also indicated a definite interest in mentor training by the architectural community. Two-thirds of respondents were not in favor of mandated continuing education. There was an almost unanimous agreement that this type of program should be conducted again, with the majority wishing for an annual gathering at different locations throughout the state. The CAB will also review the survey results and read the many comments by respondents when it formulates its strategic plan for the coming year.

If you would like copies of the survey results, you can request them from the CAB.

Two New Publications

CAB recently published two new publications titled the ***Trends in Practice Report*** and the ***Focus Group Meetings Report***. The *Trends in Practice Report* is a study of various factors influencing architecture in California. The *Focus Group Meetings Report* summarizes the findings of focus group meetings conducted by the CAB with leaders of the design and construction industry in California during 1998-99.

Both reports can be viewed on the CAB's website at www.cab.ca.gov or you may request a copy by contacting the CAB at (916) 445-3394.





California and NCARB

California is one of the 55 member boards that comprise the National Council of Architectural Registration Boards (NCARB). This nonprofit association of licensing boards provides a national licensing examination used by its member boards and Canada, which greatly facilitates interstate and international practice. NCARB is not an organization of architects whose role is to advance the profession of architecture; rather, it is an organization of regulatory boards whose role is to enhance the public health, safety, and welfare.

California, which has about one-sixth of the nation's architects, has the resources and board structure to play an active role in NCARB operations — even though it has only one vote in the organization. That active participation is perceived positively in some quarters, and negatively in others. With California's dedication to public involvement, open disclosure, and alternative paths to licensing, we are sometimes at odds with the NCARB Board of Directors and other member boards.

The result, at times, is a strange dichotomy. On the one hand, our Board is often considered a trouble-maker, too eager to rock the boat. On the other hand, after our last newsletter, which included a great deal of information about and from NCARB, we were asked by one reader "When did CBAE become the puppet for NCARB?"

We believe we are furthering California's interests by actively participating in, and providing our input to NCARB and our fellow

member boards. We have articulated that goal in our Strategic Plan: "To influence NCARB's decision-making to benefit our constituency — the public of California."

That public includes our licensees who are certificate holders, candidates who are taking the exam, and interns participating in the Intern Development Program (IDP).

To that end, our Board members devote hundreds of hours working on NCARB committees creating the exam, improving IDP, negotiating international agreements, and many other things.

At the same time, we provide input on how we feel NCARB can build on its successes and continue to improve. Fortunately, the NCARB Board of Directors and their staff have become more responsive and are moving to improve their services, but we believe more can be done.

For example, we believe NCARB's budgeting process should be more open and understandable — and subject to member board input. We believe that prior to raising service fees charged to certificate holders or candidates, member boards should have a clear understanding of, and at least some limited input on, revenue and spending policies. Since fee increases can affect not only the member boards but also our licensees and candidates, questions regarding meeting locations, annual meeting costs, investment policies, and service efficiency and effectiveness deserve to be discussed within the context of the overall budget.

We recognize that because we do raise these questions (openly, politely, and constructively) we are sometimes

To influence NCARB's decision-making to benefit our constituency—the public of California.

resented. However, because we realize how important NCARB is to interstate and international practice, we owe it to our constituents to participate as fully as possible within NCARB, even though our efforts may not always be successful.

We also realize we do not have all the answers, but we will continue to ask the questions because we think it is in NCARB's best interest and the best interests of California.

California's relationship with NCARB is important, particularly as it relates to the development of an appropriate national licensing exam and reciprocity. That evolving relationship will be a major topic of discussion at the Board's strategic planning session on January 14–15, 2000. Our next newsletter will cover the results of the planning session, along with an update of our strategy as it relates to NCARB.

We would like your comments on California's role in NCARB. Please e-mail us at cab@dca.ca.gov or feel free to contact the Board office and let us know what you think.



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W I N T E R 2 0 0 0



Enforcement Actions

The CAB is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by the Board against its licensees who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, please contact the Board. Further information on specific violations may also be obtained by contacting the Board.

Citations

HENRY LENNY (Santa Barbara) The Board issued an administrative citation that included a \$500 civil penalty to Henry Lenny, architect license #C-13964, for a violation of Business and Professions Code section 5584 (Willful Misconduct). The action was taken based on evidence that Mr. Lenny failed to provide the contracted services as specified in the contract, failed to adhere to the agreed payment schedule, and failed to maintain accessibility to his clients. Mr. Lenny paid the civil penalty, satisfying the citation.

PETER FUNG (Walnut) The Board issued an administrative citation that included a \$500 civil penalty to Peter Fung, architect license #C-18629, for a violation of Business and Professions Code section 5584 (Negligence). The action was taken based on evidence that Mr. Fung failed to communicate design changes to the client and to obtain client approval of each phase. Mr. Fung paid the civil penalty, satisfying the citation.

ROBERT ANDREW MC GRAW (Laguna Beach) The Board issued an administrative citation that included a \$250 civil penalty to Robert Andrew McGraw, architect license #C-18387, for a violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. McGraw commenced work on a residence without having executed a written contract for professional services. Mr. McGraw paid the civil penalty, satisfying the citation.

TO GET IN TOUCH WITH US

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